

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>MARK BREAKIRON,</b>	:	
Petitioner	:	
	:	<b>Civil Action No. 00-300</b>
<b>v.</b>	:	
	:	<b>Judge William L. Standish</b>
<b>MARTIN HORN, et al.,</b>	:	
Respondents	:	<b>THIS IS A CAPITAL CASE</b>

**UNOPPOSED MOTION FOR BRIEF EXTENSION TO FILE REPLY TO  
PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

Respondents, through their attorneys, submit the following motion for brief extension of time to file their response to petitioner's motion for summary judgment.

1.       The respondents reply to the petitioner's motion for summary judgment was due on December 9, 2005.
2.       Unfortunately, respondents require a few extra days to complete and file their response to the petitioner's motion.
3.       Petitioner's were originally scheduled to file their motion for summary judgment by November 10, 2005. However, this Court granted the petitioner's request for a five-day extension of time to complete and file their motion.
4.       Respondents request a short extension – until December 15, 2005 – to complete and file their reply to petitioner's motion for summary judgment.
5.       Counsel for the petitioner previously represented to the undersigned that he would have no objection to a short extension of time to allow the respondents file their reply to the motion for summary judgment.

WHEREFORE, the respondents respectfully request that their motion for a brief extension of time to file their reply to petitioner's motion for summary judgment be granted.

**THOMAS W. CORBETT, JR.**  
**Attorney General**

BY: *[s] Christopher D. Carusone*  
**CHRISTOPHER D. CARUSONE**  
**Senior Deputy Attorney General**  
**Attorney ID# 71160**

**OFFICE OF ATTORNEY GENERAL**  
**Criminal Law Division, Capital Litigation Unit**  
**Strawberry Square**  
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**Date: December 11, 2005**

**IN THE UNITED STATES DISTRICT COURT  
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<b>MARK BREAKIRON,</b>	:	
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	:	<b>Civil Action No. 00-300</b>
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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, the respondents' unopposed motion for brief extension of time to file their reply to the petitioner's motion for summary judgment is GRANTED. Respondents' reply shall be due on or before December 15, 2005.

BY THE COURT:

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Honorable William Standish, J.

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**CERTIFICATE OF SERVICE**

AND NOW, this 11<sup>th</sup> day of December 2005, I, Christopher D. Carusone, Senior Deputy Attorney General, counsel for respondents in the above-captioned matter, hereby certify that I this day served the foregoing **Unopposed Motion for Extension of Time to File Reply to Petitioner's Motion for Summary Judgment** by causing a copy of the same to be transmitted *via* email, addressed as follows:

James Anderson, Esquire  
Assistant Federal Public Defender  
Capital Habeas Corpus Unit  
1450 Liberty Center  
1001 Liberty Avenue  
Pittsburgh, PA 15222-3714  
James Anderson [James\_Anderson@fd.org]  
(Counsel for Petitioner)

*[s] Christopher D. Carusone*  
CHRISTOPHER D. CARUSONE  
Senior Deputy Attorney General